

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
(Case No. 98,736-A)

In re Application of:

Roderick Hall, et al.

Serial No.: 09/441,966

Filed: November 17, 1999

For: A METHOD FOR ACCELERATING  
THE RATE OF MUCOCILIARY  
CLEARANCE

Examiner: TBA

Art Unit: 1652

Assistant Commissioner for Patents  
Washington, D.C. 20231

**TRANSMITTAL LETTER**

In regard to the above identified application:

1. We are transmitting herewith the attached:

- a) Information Disclosure Statement
- b) U.S. PTO Form 1449 and copies of 23 references
- c) Return Receipt Postcard

2. With respect to additional fees:

No fee is required.

3. GENERAL AUTHORIZATION: Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Asst. Commissioner for Patents, Washington, D.C. 20231 on this 2 day of February, 2000.

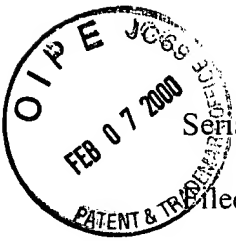
Dated: Feb 2, 2000

By: 

Emily Miao  
Reg. No. 35,285

McDONNELL BOEHNNEN  
HULBERT & BERGHOFF  
300 South Wacker Drive  
Chicago, Illinois 60606  
Telephone (312) 913-0001; Fax (312) 913-0002

FEB 10 2000

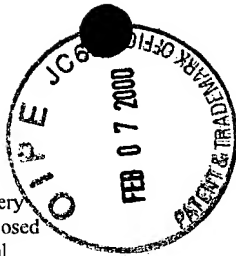


CERTIFICATE OF MAILING

I hereby certify that this paper and every  
paper referred to therein as being enclosed  
is being deposited with the U.S. Postal  
Service as first class mail, postage prepaid,  
in an envelope addressed to: Commissioner of  
Patents & Trademarks, Washington, DC 20231,  
on Feb. 2, 2000 (Date of Deposit)

Date

Name



PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

(Case No. 98,736-A)

In re Application of:

Roderick Hall, et al.

Serial No.: 09/441,966

Filed: November 17, 1999

For: A METHOD FOR ACCELERATING  
THE RATE OF MUCOCILIARY  
CLEARANCE

Examiner: TBA

Art Unit: 1652

Assistant Commissioner for Patents  
Washington, D.C. 20231

**INFORMATION DISCLOSURE STATEMENT**

Sir:

In order to comply with discretionary regulations 37 CFR 1.97 and 1.98, attached hereto is  
Form PTO-1449, copies<sup>1</sup> of the documents listed thereon pursuant to 37 C.F.R. § 1.97(c) and §

<sup>1</sup>To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in the file of a parent application. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated therebetween; if no such English language equivalent is cited, then none is known to the undersigned.

1.17(p). These documents contain information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

**Foreign Patent Documents**

|   |                 |          |     |
|---|-----------------|----------|-----|
| 1 | EP 0 439 442 B1 | 03/06/96 | EPO |
| 2 | WO 93/14120     | 07/22/93 | EPO |
| 3 | WO 96/03503     | 02/26/97 | EPO |
| 4 | WO 95/18830     | 07/13/95 | PCT |
| 5 | WO 96/35788     | 11/14/96 | PCT |
| 6 | WO 98/33920     | 08/06/98 | PCT |

**U.S. Patent Documents**

|    |           |          |                       |
|----|-----------|----------|-----------------------|
| 7  | 5,106,833 | 04/21/92 | Bronze, Jr. et al.    |
| 8  | 5,223,482 | 07/29/93 | Schilling, Jr. et al. |
| 9  | 5,312,736 | 05/17/94 | Rasmussen, et al.     |
| 10 | 5,403,484 | 04/04/95 | Ladner, et al.        |
| 11 | 5,436,153 | 07/25/95 | Sprecher, et al.      |
| 12 | 5,441,931 | 08/08/95 | Sprecher, et al.      |
| 13 | 5,541,288 | 07/30/96 | Nakano, et al.        |
| 14 | 5,576,294 | 11/19/96 | Norris, et al.        |
| 15 | 5,663,143 | 09/02/97 | Ley, et al.           |
| 16 | 5,677,146 | 10/14/97 | Sprecher, et al.      |
| 17 | 5,728,674 | 03/17/98 | Sprecher, et al.      |
| 18 | 5,731,412 | 03/24/98 | Shimomura             |
| 19 | 5,736,364 | 04/07/98 | Kelley, et al.        |
| 20 | 5,747,449 | 05/05/98 | Lasters, et al.       |
| 21 | 5,786,328 | 07/28/98 | Dennis, et al.        |
| 22 | 5,795,865 | 08/18/98 | Markland, et al.      |
| 23 | 5,834,244 | 11/10/98 | Dennis, et al.        |

In accordance with MPEP Sections 609 and 707.05(b), it is requested that each document cited (including any cited in applicant's specification which is not repeated on the attached Form PTO-1449) be given thorough consideration and that it be cited of record in the prosecution history of the present application by initialing on Form PTO-1449. Such initialing is requested even if the

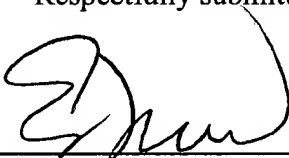
Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection, or otherwise does not consider it to be prior art for any reason, or even if the Examiner does not believe that the guidelines for citation have been fully complied with. This is requested so that each document becomes listed on the face of the patent issuing on the present application.

The present Disclosure Statement is being submitted in compliance with 37 CFR 1.56 insofar as an Examiner might consider any of the cited documents important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner, in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 CFR 1.104(a) and 1.106(b) and, in the course of each search, will review for relevance every document cited on the attached form even if not initialed.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,

Date: 2/2/2000

By:   
Emily Miao  
Reg. No. 35,285

McDONNELL BOEHNEN  
HULBERT & BERGHOFF  
300 South Wacker Drive, Suite 3200  
Chicago, Illinois 60606  
Phone: 312/913-0001; Fax: 312/912-0002

Form PTO-1449

U.S. Department of Commerce  
Patent and Trademark Office

Atty. Docket No. 98,736-A

Serial No. 09/441,966

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Applicant: Hall, et al.

Filing Date: November 17, 1999

Group: 1652

**FOREIGN PATENT DOCUMENTS**

|  |   | Document Number | Date     | Country | Class | Subclass | Translation<br>Yes No |  |
|--|---|-----------------|----------|---------|-------|----------|-----------------------|--|
|  | 1 | EP 0 439 442 B1 | 03/06/96 | EPO     |       |          |                       |  |
|  | 2 | WO 93/14120     | 07/22/93 | PCT     |       |          |                       |  |
|  | 3 | WO 96/03503     | 02/26/97 | PCT     |       |          |                       |  |
|  | 4 | WO 95/18830     | 07/13/95 | PCT     |       |          |                       |  |
|  | 5 | WO 96/35788     | 11/14/96 | PCT     |       |          |                       |  |
|  | 6 | WO 98/33920     | 08/06/98 | PCT     |       |          |                       |  |

**U.S. PATENT DOCUMENTS**

| Examiner Initial |    | Document Number | Date     | Name                  | Class | Subclass | Filing Date |
|------------------|----|-----------------|----------|-----------------------|-------|----------|-------------|
|                  | 7  | 5,106,833       | 04/21/92 | Bronze, Jr. et al.    |       |          |             |
|                  | 8  | 5,223,482       | 07/29/93 | Schilling, Jr. et al. |       |          |             |
|                  | 9  | 5,312,736       | 05/17/94 | Rasmussen, et al.     |       |          |             |
|                  | 10 | 5,403,484       | 04/04/95 | Ladner, et al.        |       |          |             |
|                  | 11 | 5,436,153       | 07/25/95 | Sprecher, et al.      |       |          |             |
|                  | 12 | 5,441,931       | 08/08/95 | Sprecher, et al.      |       |          |             |
|                  | 13 | 5,541,288       | 07/30/96 | Nakano, et al.        |       |          |             |
|                  | 14 | 5,576,294       | 11/19/96 | Norris, et al.        |       |          |             |
|                  | 15 | 5,663,143       | 09/02/97 | Ley, et al.           |       |          |             |
|                  | 16 | 5,677,146       | 10/14/97 | Sprecher, et al.      |       |          |             |
|                  | 17 | 5,728,674       | 03/17/98 | Sprecher, et al.      |       |          |             |
|                  | 18 | 5,731,412       | 03/24/98 | Shimomura             |       |          |             |
|                  | 19 | 5,736,364       | 04/07/98 | Kelley, et al.        |       |          |             |
|                  | 20 | 5,747,449       | 05/05/98 | Lasters, et al.       |       |          |             |
|                  | 21 | 5,786,328       | 07/28/98 | Dennis, et al.        |       |          |             |
|                  | 22 | 5,795,865       | 08/18/98 | Markland, et al.      |       |          |             |
|                  | 23 | 5,834,244       | 11/10/98 | Dennis, et al.        |       |          |             |

**OTHER DOCUMENTS - Including Author, Title, Date, Pertinent Pages, Etc.**

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|

Examiner

Date Considered

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with any communication.